IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 698 of 2001

RAMA
V/S
NARAYAN LAL & ORS

Mr. MR SINGHVI, for the appellant / petitioner

Mr. MANISH SHISHODIA, for the respondent

Date of Order : 25.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

For the present purposes, service of other respondents is dispensed with. At the request of learned counsel for the parties present, the appeal was heard for admission at this stage itself.

By the impugned order, the learned trial Court, in a suit for specific performance of the contract to sale, executed on 29.11.98, has granted a temporary injunction to the plaintiff, restraining the defendant-appellant from in any manner alienating the property to anybody else, so also restraining him from executing any sale deed, and getting the sale deed registered. In my view, even otherwise, in view of the provisions of Section 52 of the Transfer of Property Act, if the appellant were to effect any alienation that would have been hit by the doctrine of lis pendens. In that view of the matter, I do not find any sufficient ground to interfere with the impugned order.

The appeal is, therefore, dismissed summarily. At the same time, since the suit is of the year 2000, it is directed that the learned trial Court should expeditiously complete the trial of the suit, and decide it.

(N P GUPTA),J.

/tarun/